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REPORT OF THE UNITED NATIONS CONFERENCE ON ENVIRONMENT AND DEVELOPMENT

Letter dated 8 May 1992 from the Chargé d'affaires a.i. of the Permanent Mission of Malaysia to the United Nations addressed to the Secretary-General

I have the honour to transmit to you herewith the text of the Kuala Lumpur Declaration on Environment and Development, issued by the Second Ministerial Conference of Developing Countries on Environment and Development, which was held at Kuala Lumpur from 26 to 29 April 1992 (see annex).

I should be grateful if the present letter and its annex could be circulated as a document of the General Assembly, under item 80 of the preliminary list and brought to the attention of the United Nations Conference on Environment and Development.

(Signed) M. REDZUAN Kushairi
Chargé d'affaires a.i.

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ANNEX

Second Ministerial Conference of Developing Countries on Environment and Development

KUALA LUMPUR DECLARATION ON ENVIRONMENT AND DEVELOPMENT

We, the Ministers from 55 developing countries a/ met at Kuala Lumpur, at the invitation of the Government of Malaysia, from 26 to 29 April 1992, at the Second Ministerial Conference of Developing Countries on Environment and Development. The Kuala Lumpur Conference which had its initiation in New Delhi, India, in April 1990, is a follow-up to the First Ministerial Conference held in Beijing in June 1991. The Kuala Lumpur Conference was also attended by observers b/ from 11 developed countries, 10 international organizations and 9 non-governmental organizations.

1. We exchanged views on the United Nations Conference on Environment and Development (UNCED) process, which started in 1989 with United Nations General Assembly resolution 44/228, in the light of the results of the Fourth Substantive Session of the Preparatory Committee of UNCED held in New York from 2 March to 3 April 1992. To that effect, we reaffirm the will and the determination of our Governments to ensure that the Rio Conference fully and clearly achieves in concrete terms the provisions contained in the relevant General Assembly resolutions notably resolution 44/228. In this context, the discussions centered on efforts to address important outstanding issues, with a view to finding solutions for them at UNCED scheduled at Rio de Janeiro, Brazil, 3-14 June 1992.

2. While noting that progress was made in a number of areas at the Fourth Substantive Session of the Preparatory Committee, we express our serious concern at the lack of progress on a few key issues, particularly financial resources and mechanisms.

3. UNCED is of historic importance and provides the occasion at the highest levels of government to address environment and development in an integrated, comprehensive and balanced manner for the benefit of both present and future generations. We call for a new global partnership based on respect for sovereignty and the principles of equity and equality among States for the achievement of sustainable development, taking into account the main responsibility of developed countries for the deterioration of the environment, and the need for sustained economic growth and development of developing countries.

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a/ Appendix 1 - list of developing countries participating in the above Conference.

b/ Appendix 2 - list of observers participating in the above Conference.

4. Development is a fundamental right of all peoples and countries. An environmentally sound planet should correspond to a socially and economically just world. An environmentally sound development, and the creation of a supportive international economic environment to achieve this objective, including transfer of new and additional financial resources to developing countries, through distinct and specific mechanisms which are transparent, accountable and with equal representation in decision-making, and modalities for transfer of technology, must be at the centre of the international agenda. In this regard, recognizing the importance of international trade to all countries and the need for far-reaching reforms in international economic relations, we call on the developed countries to ensure without further delay a balanced, meaningful and satisfactory conclusion of the Uruguay Round of Multilateral Trade Negotiations. We further emphasize that developed countries should not attempt to impose unilateral restrictions on international trade, in particular, on natural resource-based and other related products on environmental grounds.

5. We further underline, in the context of attaining sustainable development, the need for the urgent conclusion and implementation of internationally supported measures to enhance and stabilize commodity prices, including commodity diversification, processing and development.

6. We reiterate that for the new global partnership to be meaningful developing countries must have the resources to participate effectively. We also underline the urgent need to eradicate poverty and to guarantee sustained growth in both economic and environmental terms.

7. We stress that sustainable development makes it incumbent on developed countries to take major steps to transform their production, consumption and distribution patterns towards environmentally sound development. For the developing countries, sustainable development implies the right to development with due regard to the ecological processes. In order for the developing countries to achieve sustainable development, developed countries should adhere to a new concept of global partnership.

8. On the basis of the foregoing, and reaffirming the principles and objectives of the First Ministerial Conference of Developing Countries on Environment and Development held at Beijing, we agree on the following positions on the core issues of special importance to developing countries to be taken up at the Rio Conference:

Rio Declaration on Environment and Development

9. We note the progress made at the Fourth Substantive Session of the Preparatory Committee in regard to the elaboration of the Rio Declaration on Environment and Development, as reflected in the Chairman's Draft Text transmitted for further consideration and finalization at the Rio Conference. Recalling the reservations made, including those by developing countries, we agree that steps need to be taken to further develop the text in line with General Assembly resolution 44/228.

Agenda 21

10. We note the progress made at the Fourth Substantive Session of the Preparatory Committee Meeting in the identification of specific objectives, programmes and activities of Agenda 21 in a number of areas, including the recognition of the need for international efforts to address the serious problem of desertification and drought. We further reaffirm our willingness to continue participating in a constructive attitude in the issues yet to be resolved. We are also of the view that the programmes must support national priorities, must form an integrated package, and should not be used as a new form of conditionality in access to development support or any attempts to review national policies or strategies. We believe that agreement on the implementation of Agenda 21 programmes will depend on the availability of adequate, new and additional financial resources, and the transfer of technology to developing countries on preferential and concessional terms.

Financial resources

11. We reaffirm the position which was presented by the Group of 77 and China at the Fourth Substantive Session of the Preparatory Committee for UNCED.

12. As regards the means of implementation, we are of the view that new and additional funding should be the basis of an evolving partnership leading progressively towards the goal of sustainable development in both developing and developed countries. This funding should be provided in addition to, and separate from, the official development assistance (ODA) target commitments by the developed countries. A specific and separate fund for the implementation of Agenda 21 should be established. Predictability in the flow of funds should be ensured by assessed contributions from developed countries. Developing countries could contribute on a voluntary basis. The governance of the fund should include the following criteria:

(a) It should be transparent;

(b) It should be democratic in nature, with an equal voice for all parties in setting project eligibility criteria, project selection, and the authority to release funds, enabling an equitable balance between developed and developing countries;

(c) It should provide access and disbursement to all developing countries without any conditionality; and

(d) It should provide for funding of activities according to the priorities and needs of the developing countries, taking into account Agenda 21.

All possibilities can be explored in regard to location or locations of the fund and its administrative and operational activities in the light of the above criteria. In addition, existing mechanisms governed by the criteria defined above, could also be utilized as appropriate, in order to optimize

provision of substantial grants or concessionary resources for the implementation of Agenda 21. In the follow-up after UNCED, there should be provisions for the effective monitoring of the financing of Agenda 21 and the mechanisms utilized for that purpose.

13. We welcome the initiative and note the Tokyo Declaration on Financing Global Environment and Development.

Transfer of technology

14. We recognize the progress made at the Fourth Substantive Session of the Preparatory Committee Meeting on this subject and strongly stress the need for assured access to, and transfer of technology on, preferential and concessional terms to developing countries, taking into consideration that Intellectual Property Rights should not hinder the transfer of technology to developing countries. We further stress that the concept of transfer of technology should not be diluted by referring to it as technology cooperation. We emphasize that modalities should be immediately set up for the transfer of technology, including state-of-the-art technologies, to developing countries consistent with the relevant provisions of General Assembly resolution 44/228.

Statement of principles on forests

15. We emphasize that forest ecosystems and resources are part of the national patrimony to be managed, conserved and developed by each country in accordance with its national plans and priorities in the exercise of its sovereign rights.

16. We call on all countries to give full support to the finalization of a Non-Legally-binding Authoritative Statement of Principles on the Management, Conservation and Development of All Types of Forests and its adoption at the Rio Conference. Considering that the Statement of Principles would provide an adequate and sound basis for the greening of the world, including through reforestation, afforestation, regeneration and sustainable use of forest resources, the negotiations of a legally binding instrument on forest would not be required.

17. We also call on the developed countries to substantially increase their forest cover and to avoid unilateral measures in the name of environmental protection, that constitute arbitrary or discriminatory action such as bans and restrictions on international trade of forest and forest-related products from the developing countries.

Institutions

18. We stress the necessity for an early decision on an intergovernmental institutional arrangement for follow-up of Agenda 21 and other decisions of UNCED, in accordance with agreed sections of document A/CONF.151/PC/WG.III/L.31/Rev.1 and further agreement to be achieved at the

Rio Conference. The Rio Conference could also recommend to the General Assembly provisions for financial and other means in the interim period between the Rio Conference and the forty-seventh United Nations General Assembly. In addition, we agree that national and regional institutions should be strengthened in order to promote sustainable development.

Proposed Conventions on Climate Change and Biological Diversity

19. We note the current stage of negotiations pertaining to the Framework Convention on Climate Change and the Convention on Biological Diversity, and call for their early conclusion.

Framework Convention on Climate Change

20. We express deep concern at the lack of progress in the negotiations for the Framework Convention on Climate Change. In this regard, and in accordance with United Nations General Assembly resolution 46/169, we urge the Intergovernmental Negotiating Committee to expedite and successfully complete the negotiations as soon as possible and to adopt the Framework Convention on Climate Change, containing appropriate commitments and any related legal instruments as may be agreed upon, in time for it to be opened for signature during UNCED. We stress the importance of these negotiations which should seriously address the adverse impact of climate change on developing countries including adaptation and mitigation measures. This is especially relevant to small island States; States with low-lying coastal areas, which are vulnerable to climate change and its consequential sealevel rise; disaster-prone developing countries; and countries liable to drought and desertification.

21. We urge the developed countries to undertake meaningful and specific commitments on the stabilization and reduction of emissions of carbon dioxide and other greenhouse gases.

22. We further stress that developed countries should make commitments for the provision of financial resources and transfer of technology to developing countries to enable them to adapt, mitigate and combat climate change and its adverse effects. We also stress that a fund should be established under this Convention for its implementation.

23. We also express concern on the implications of the Convention to developing countries whose economies are highly dependent on income generated from the production, processing, export, and/or the consumption of fossil fuels and associated energy-intensive products.

24. We reiterate that the implementation mechanisms of the Convention should fully take into account the sovereign rights of each country to determine its national policies, plans and programmes for sustainable development.

Convention on Biological Diversity

25. We note the progress of the negotiations for a Convention on Biological Diversity and reaffirm the sovereign rights of States to use their biological and genetic resources.

26. We underline the need for the Convention to establish mechanisms to give effect to the rights of countries which possess biological and genetic resources in in-situ conditions. In this context, we reiterate that the Convention on Biological Diversity must include legally binding commitments to ensure the link between the access to the genetic material of developing countries and the transfer of biotechnology and research capabilities from developed countries, as well as sharing of commercial profits and products derived from the genetic material.

27. We recognize that developing countries are already taking measures to conserve and use in a sustainable manner their biological resources and stress that those measures should be supported by the developed countries through the provision of financial and other resources.

28. We are of the view that providing for a "Global List of Biogeographic Areas of Global Importance" under the Convention on Biological Diversity is not necessary.

29. We also stress that a fund should be established under this Convention to make it possible for developing countries to fulfil their obligations under the Convention.

South-South cooperation

30. We recognize the need to enhance South-South cooperation on environment and development, by regular consultations at all levels and through exchange of environmentally sound scientific and technological knowledge on mutually acceptable terms, in the interest of accelerating development. We agree that there should be regular consultations at ministerial, scientific and other expert levels to encourage cooperation and monitor the decisions to be taken at the Rio Conference.

APPENDIX 1

List of developing countries attending the Second Ministerial Conference of Developing Countries on Environment and Development, 26 to 29 April 1992

Developing countries

No.	Country
1.	Algeria
2.	Argentina
3.	Bangladesh
4.	Barbados
5.	Benin
6.	Brazil
7.	Brunei Darussalam
8.	Chile
9.	China
10.	Colombia
11.	Côte d'Ivoire
12.	Cuba
13.	Democratic People's Republic of Korea
14.	Egypt
15.	Ethiopia
16.	Fiji
17.	Ghana
18.	Guyana
19.	India
20.	Indonesia
21.	Iran (Islamic Republic of)
22.	Jordan
23.	Kenya
24.	Libyan Arab Jamahiriya
25.	Malaysia
26.	Maldives

No.	Country
27.	Mali
28.	Malta
29.	Mauritania
30.	Mauritius
31.	Mexico
32.	Morocco
33.	Nepal
34.	Nigeria
35.	Oman
36.	Pakistan
37.	Palestine
38.	Papua New Guinea
39.	Peru
40.	Philippines
41.	Republic of Korea
42.	Saudi Arabia
43.	Senegal
44.	Singapore
45.	Sudan
46.	Tanzania
47.	Thailand
48.	Tunisia
49.	Uganda
50.	Vanuatu
51.	Venezuela
52.	Viet Nam
53.	Yugoslavia
54.	Zaire
55.	Zimbabwe

APPENDIX 2

List of Observers attending the Second Ministerial Conference of Developing Countries on Environment and Development, 26 to 29 April 1992

1. Developed countries

No.	Country
1.	Australia
2.	Canada
3.	Germany
4.	France
5.	Japan
6.	Netherlands
7.	Norway
8.	Portugal
9.	Sweden
10.	United Kingdom of Great Britain and Northern Ireland
11.	United States of America

2. International organizations

1. United Nations Conference on Environment and Development (UNCED)
2. United Nations Development Programme (UNDP)
3. Department of Economic and Social Development (DESD)
4. International Tropical Timber Organization (ITTO)
5. United Nations Environment Programme (UNEP)
6. European Community (EC)
7. World Meteorological Organization (WMO)
8. ASEAN secretariat
9. International Fund for Agricultural Development (IFAD)
10. Asian Wetland Bureau

3. Other Observers

1. African National Congress (ANC)

4. Non-governmental organizations

1. SUNS
2. Third World Network
3. Research Foundation for Technology and Natural Resources
4. Environmental Protection Society of Malaysia
5. Sahabat Alam Malaysia
6. Federation of Malaysia Consumers' Association
7. Genetic Resources
8. Business Council for Sustainable Development
9. World Wildlife Fund